

MANU/DE/2648/2026

IN THE HIGH COURT OF DELHI

W.P. (C) 5719/2023

Decided On: 08.04.2026

Girish Kumar Sharma **Vs.** Union of India and Ors.

Hon'ble Judges/Coram:

Anil Kshetarpal and Amit Mahajan, JJ.

Counsels:

For Appellant/Petitioner/Plaintiff: Ankur Chibber and Anshuman Mehrotra, Advs.

For Respondents/Defendant: Dhruv Bhagat, Adv. and Ajay Pal, Law Officer

JUDGMENT

Anil Kshetarpal, J.

CM APPL. 22396/2026/For condonation of delay in filing the Counter-Affidavit]

- 1.** The present application has been filed by the Respondents seeking condonation of delay of 91 days in filing the Counter-Affidavit.
- 2.** For the reasons stated in the application, the same is allowed and the delay stands condoned. The Counter-Affidavit is taken on record.
- 3.** The present application stands disposed of.

W.P.(C) 5719/2023

4. Through the present Petition filed under Article 226 of the Constitution of India, the Petitioner seeks issuance of a writ in the nature of certiorari for quashing the order dated 06.10.2022 [hereinafter referred to as the 'Impugned Order'], whereby his candidature for the post of Constable (GD) in the Central Armed Police Forces ['CAPF'] has been cancelled. The Petitioner further seeks consequential directions for consideration of his candidature.

5. The issue which arises for consideration in the present Petition is whether an inadvertent error in the online application form regarding the district of domicile, which neither affects the eligibility of the candidate nor confers any undue advantage, can justify the cancellation of candidature, particularly when the candidate has successfully cleared all stages of the selection process.

FACTUAL MATRIX:

6. In order to appreciate the controversy involved, it would be apposite to briefly notice the relevant facts.

7. The Petitioner is an Ex-Serviceman, who served in the Indian Army for a considerable period of time before seeking voluntary retirement. Thereafter, he applied for recruitment to the post of Constable (General Duty) in the CAPF, National Investigation Agency, Special Security Force, and Rifleman (GD) in Assam Rifles, pursuant to a

recruitment notice issued in the year 2021.

8. It is not in dispute that the Petitioner is a permanent resident of District Morena in the State of Madhya Pradesh and holds a valid Domicile Certificate issued by the competent authority of the said district.

9. The Petitioner successfully cleared all stages of the recruitment process, including the Computer Based Examination, Physical Efficiency Test/Physical Standard Test, and the Detailed Medical Examination. However, at the stage of Document Verification, his candidature came to be cancelled vide the Impugned Order.

10. The sole reason for such cancellation is that while filling up the online application form, the Petitioner mentioned his domicile district as "Gwalior" instead of "Morena" in certain columns of the application form, though in the very same application form, he correctly mentioned his permanent address as being in District Morena. Furthermore, all documentary records, including the Domicile Certificate, reflect his residence as District Morena.

CONTENTIONS OF THE PARTIES:

11. Learned counsel appearing for the Petitioner submits that the discrepancy in the application form is a bona fide and inadvertent error, which neither affects the eligibility of the Petitioner nor confers any undue advantage upon him. It is contended that both Morena and Gwalior fall within the State of Madhya Pradesh and, therefore, the mistake is inconsequential.

12. Learned counsel further places reliance on the judgment of a Coordinate Bench of this Court in W.P.(C) 3721/2017 captioned Arkshit Kapoor v. Union of India and Ors, wherein it has been held that cancellation of candidature on account of a typographical or inadvertent error, which does not affect the eligibility of the candidate and does not confer any undue advantage, would be arbitrary and disproportionate. The Court further held that where a candidate has participated in the selection process and successfully cleared all stages, his candidature cannot be cancelled for trivial or inconsequential errors, unless the same are found to be deliberate or material in nature.

13. Per contra, learned counsel appearing for the Respondents submits that as per the terms of the recruitment notice, no request for change in domicile State or district can be entertained after submission of the application form. He submits that once a discrepancy is found between the application form and the Domicile Certificate, the candidature is liable to be cancelled in terms of the applicable clauses. He further submits that the vacancies have already been filled.

ANALYSIS & FINDINGS:

14. This Court has carefully considered the submissions advanced by the learned counsel representing the parties and perused the material on record.

15. The controversy in the present case lies in a narrow compass, namely, whether an inadvertent and inconsequential error in mentioning the district of domicile in the application form can justify the cancellation of candidature, particularly when the candidate has otherwise satisfied all eligibility conditions and successfully cleared all stages of the selection process.

16. At the outset, it is to be noted that the Petitioner has consistently maintained, both

in his documents and in substantial portions of the application form, that he is a resident of District Morena. The Domicile Certificate issued by the competent authority also unequivocally establishes the same. The discrepancy is confined only to certain columns of the application form, where the district has been mentioned as Gwalior.

17. It is not the case of the Respondents that the Petitioner has derived any benefit or advantage by mentioning Gwalior instead of Morena in the application form. Both districts fall within the same State, i.e, Madhya Pradesh. There is also no material to suggest that the Petitioner sought to avail any special reservation or quota earmarked for any particular district. The discrepancy, therefore, neither affects the eligibility of the Petitioner nor alters his zone of consideration. In such circumstances, the error is clearly inconsequential and immaterial.

18. In this context, it is relevant to observe that the purpose of the recruitment process is to select suitable and meritorious candidates. The Petitioner, having successfully cleared all stages of the examination, including the final stage, cannot be denied consideration on account of a trivial and inadvertent error which has no bearing on his eligibility.

19. The Coordinate Bench of this Court in Arkshit Kapoor (supra), while dealing with a similar issue, has held that cancellation of candidature on account of a typographical or insignificant error, which does not affect eligibility or confer any advantage, would be arbitrary and disproportionate. The aforesaid principle squarely applies to the facts of the present case.

20. The stipulation in the recruitment notice that no change in domicile details would be permitted after submission of the application form cannot be applied in a rigid and mechanical manner so as to defeat substantive justice. Such clauses are intended to prevent misuse or manipulation of the recruitment process and not to penalize candidates for bona fide and inconsequential errors.

21. The Impugned Order, on a perusal thereof, reflects a mechanical application of the said clause without any consideration of the nature of the discrepancy or its impact on the eligibility of the Petitioner. There is no finding that the Petitioner had acted with any mala fide intent or had attempted to misrepresent facts.

22. In the opinion of this Court, the action of the Respondents in cancelling the candidature of the Petitioner for such a minor discrepancy is arbitrary and disproportionate to the alleged lapse. The same cannot be sustained in law.

23. This Court is also of the view that the authorities, while dealing with such cases, ought to adopt a pragmatic and holistic approach, particularly where the candidate has already undergone the rigours of the entire selection process and the discrepancy does not affect the fairness or integrity of the process.

24. Insofar as the submission of the Respondents that the vacancies have already been filled is concerned, the same cannot come in the way of granting appropriate relief to the Petitioner, especially when the action of the Respondents has been found to be unsustainable.

CONCLUSION:

25. In view of the aforesaid discussion, the present Petition is allowed. The Impugned Order is hereby set aside.

26. However, considering the totality of the facts and circumstances, the relief is moulded to the extent that the Petitioner shall be considered for appointment against the next available vacancy/batch, subject to his fulfilling all other eligibility criteria.

27. It is clarified that the Petitioner shall not be entitled to any claim of seniority or back wages on account of the delay occasioned due to the present proceedings.

28. The present Petition stands disposed of in the aforesaid terms.

© Manupatra Information Solutions Pvt. Ltd.